

**Notice of Allowability**

Application No.

09/934,799

Examiner

Donald L. Storm

Applicant(s)

CHARLESWORTH ET AL.

Art Unit

2654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT AND PETITION FOR EXTENSION OF TIME, filed July 8, 2004.
2. ☒ The allowed claim(s) is/are 122-136, 138, 140-153, 155, 157-160, 162-168 and 170-174.
3. ☒ The drawings filed on 23 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>3/29/04, 7/8/04</u> ✓ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input checked="" type="checkbox"/> Other <u>IDS dtd 12/22/04.</u> ✓                |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Douglas Pinsky, Applicant's Representative, on April 29, 2005.

The application has been amended as follows:

#### IN THE CLAIMS:

In claim 123, line beginning *an associator*, change "within" to --with--.

In claim 132, line beginning *speech recognizer*, change "the phonemes" to --phonemes--.

In claim 135, line beginning *speech recognizer*, change "the phonemes" to --phonemes--.

In claim 144, line 2, change "generating step" to --step of generating annotation data--.

In claim 145, line 2, change "generating step" to --step of generating annotation data--.

In claim 146, line 2, change "generating step" to --step of generating annotation data--.

In claim 147, line 2, change "generating step" to --step of generating annotation data--.

In claim 163, line 1, change "claim 122" to --claim 123--.

In claim 163, line 2, delete "automatic".

In claim 167, line 3, delete "automatic".

In claim 171, line 1, change "generating step" to --step of generating annotation data--.

#### *Allowable Subject Matter*

2. Claims 122, 123, 124, 125, 126, 127, 128, 129, 130, 131-133, 134, 135, 136, 138, 140, 141, 142, 143, 144-147, 148, 149-151, 152, 153, 155, 157, 158-160, 162, 163, 164, 165, 166, 167,

168, 170, 171, and 172-174 are allowed. The claims have been renumbered for printing to be claims 1, 18, 24, 2, 3, 5, 6, 4, 7, 9-11, 8, 19, 20, 25, 26, 27, 37, 40, 28-31, 36, 32-34, 38, 39, 41, 42, 12-14, 15, 21, 16, 17, 22, 23, 43, 44, 35, and 45-47.

***Response to Arguments***

3. The prior Office action, mailed March 8, 2004 objects to the specification and claims, and rejects claims under 35 USC § 112, § 101, § 102, and § 103, citing Ahmad, Meador, Miike, and others. The Applicant's arguments and changes in AMENDMENT AND PETITION FOR EXTENSION OF TIME, filed July 8, 2004, have been fully considered with the following results.

4. Regarding the Examiner's statement of allowable subject matter and the Applicant's comment on it, the Applicant is correct. Neither dependent claims 165 and 167 or their parent claims set forth header storage. In conjunction with the whole of the other limitations, it is header data identifying the language and phoneme set which distinguishes from the identifying data of the closest ASR prior art.

5. With respect to objection to the claims dependent upon rejected base claims, the base claims have been allowed. Accordingly, the objections are removed.

6. With respect to objection to the specification as lacking proper antecedence for claimed matter, the changes entered by amendment claim subject matter that can be identified in the specification. Accordingly, the objection is removed.

7. With respect to objection to those claims needing clarification, the changes entered by amendment provide clear descriptions of the claimed subject matter. Accordingly, the objections are removed.

8. With respect to rejection of claims under 35 USC § 112 for insufficient antecedent basis, the changes entered by amendment establish sufficient antecedent basis. Accordingly, the rejections are removed.

9. With respect to rejection of claim 168 under 35 USC § 101 for nonstatutory subject matter, the changes entered by amendment set forth sufficient statutory matter. Accordingly, the rejection is removed.

10. With respect to rejection of claims under 35 USC § 102 citing Meador, the changes entered by amendment include the annotation data is generated for or associated with the data file and for use in subsequent retrieval of the data file.

The reference Meador does not explicitly describe that limitation. The whole structure expressed by the combination of all limitations compared to the prior art of record is not made obvious for the whole invention of the claims, particularly with speech recognition leading to the combined, generated/converted, phoneme data and identified words or generated word data. Accordingly, the rejections are removed. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

11. With respect to rejection of claims under 35 USC § 102 citing Ahmad, the changes entered by amendment include storing the annotation data in a database to allow the data file to be retrieved by searching for word and phonemes within the stored annotation data.

The reference Ahmad does not explicitly describe that limitation. The whole structure expressed by the combination of all limitations compared to the prior art of record is not made obvious for the whole invention of the claims, particularly with character recognition leading to the combined, generated/converted, phoneme data and identified words or generated word data. Accordingly, the rejections are removed. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

12. With respect to rejection of claims under 35 USC § 103 citing Ahmad, Miike, and others, the changes entered by amendment include the annotation data is generated for or associated with the data file and for use in subsequent retrieval of the data file.

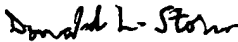
The references Ahmad and Miike do not explicitly describe that limitation. The whole structure expressed by the combination of all limitations compared to the prior art of record is not made obvious for the whole invention of the claims, particularly with speech recognition leading to the combined, generated/converted, phoneme data and identified words or generated word data. Accordingly, the rejections are removed. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is

(571) 272-7614. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

  
Donald L. Storm  
April 29, 2005

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER